



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

July 8, 2014
1407-VS-09
Exhibit 1

Petition Number: 1407-VS-09

Subject Site Address: 18250 North Union Street (the "Property")

Petitioner: Westfield-Washington School Corporation

Request: The petitioner is requesting a Variance of Standard from the Westfield-Washington Zoning Ordinance (the "Zoning Ordinance") for the property commonly known as 18250 North Union Street, Westfield, Indiana 46074. The request is for an exemption from the building materials standard for the proposed high school stadium grandstands (WC § 16.04.165.3.f).

Current Zoning: GB-PD (General Business – Planned Development) District

Current Land Use: Institutional (public high school)

Approximate Acreage: 77 acres (high school campus)

Exhibits:

1. Staff Report
2. Aerial Location Map
3. Site Plan
4. Building Elevations
5. Colored Renderings
6. Landscape Plan
7. Plan Commission Minutes (draft)

Staff Reviewer: Andrew Murray, Associate Planner

Petition History

The Petitioner is proposing the development a new stadium, and related improvements, to be located on the Westfield-Washington School Corporation's high school campus on the northeast corner of US Highway 31 and 181st Street (see [Exhibit 2](#)). The construction of the new stadium includes (collectively, the "Stadium")(see [Exhibit 3](#), [Exhibit 4](#), and [Exhibit 5](#)):

- An artificial turf field
- A nine (9) lane running track and associated track equipment
- Stadium lights
- Concession and restroom building
- Home bleachers



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- Visitor bleachers
- A two-story press box
- Four (4) independent ticket booths
- Fencing around the field and track (4' tall)
- Fencing around the entire stadium (6' tall)
- Concrete pavement in all areas within the perimeter fencing

On June 16, 2014, the Westfield-Washington Township Advisory Plan Commission (the "Plan Commission") approved the Stadium's Development Plan (pursuant to WC § 16.04.165 Development Plan Review of the Zoning Ordinance), subject to:

[t]he approval of development standard variance from WC § 16.04.165.D.3.f (the "Variance Petition") for the west façade of the home grandstand by the Board of Zoning Appeals (the "BZA"). If the BZA denies the Variance Petition, then the petitioner shall submit revised elevations that comply with WC § 16.04.165.D.3.f for review and approval by the Economic and Community Development Department prior to the issuance of an improvement location permit. In addition, approval is subject to all necessary approvals and permits be obtained from the Westfield Public Works Department, the Hamilton County Surveyors Office and all applicable utility agencies prior to the issuance of an improvement location permit.

As a result, the Petitioner has filed this request for approval of a Variance of Standard as detailed below, specific to the west elevation (oriented towards US Highway 31) of the home bleachers. This petition will receive a public hearing at the July 8, 2014, Board of Zoning Appeals meeting.

Analysis

Property Location: The high school campus is 77 acres +/- in size and located on the northeast corner of US Highway 31 and 181st Street (see Exhibit 2). The construction extent of the proposed Stadium is approximately 9 acres +/- of the 77-acres, located between US Highway 31 and the existing Westfield High School building (see Exhibit 3). The Property is zoned the General Business-Planned Development ("GB-PD") District. The properties to the east and south are zoned residential (MF-1 and SF-3) and the properties to the west across US Highway 31 are zoned business (LB-PD and GB).

Development Standard: As determined by the Plan Commission, the proposed Stadium complies with all applicable development standards, with the exception of the west elevation of the home bleachers, as proposed (see top elevation of Sheet 1 of Exhibit 3, and as further highlighted in Exhibit 4). As a result, the Petitioner is requesting approval of a Variance of Standard to exempt the west elevation of the home bleachers from WC § 16.04.165.D.3.f (Development Plan Review; Business District; Building Materials), which states:



In order to create variation and interest in the built environment, all new buildings or building additions located within any Business District shall use the exterior building materials specified below on each façade visible from a public street or an adjoining Residential District:

- (1) All brick (excluding window, display window, door, roofing, fascia and soffit materials); or,
- (2) Two (2) or more building materials (excluding window, display window, door and roofing materials), provided, however, that the primary building material shall be either brick or Exterior Insulation and Finish System (E.I.F.S.) and shall constitute a minimum of sixty (60) percent of each façade visible from a public street or an adjoining Residential District.

The exterior building material selection shall be supplemented with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each façade visible from a public street or an adjoining Residential District.

By definition, the home bleachers are considered buildings¹ and thus subject to the above standard. The approval of the requested variance would allow the Petitioner to construct the Stadium as illustrated in Exhibit 4.

Plan Commission's Consideration: The Stadium's development plan received a public hearing at the Plan Commission's June 2, 2014, meeting, and then approved by the Plan Commission at its June 16, 2014, meeting, subject to the condition set forth herein. There were no comments from the general public at the public hearing, and the Plan Commission's questions and comments are included in the draft minutes of the Plan Commission (see excerpts from draft minutes at Exhibit 6).

Procedural

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a variance of development standard. This petition is scheduled to receive its public hearing at the July 8, 2014, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

¹ WC § 16.04.210 of the Zoning Ordinance defines a "building" as [a] structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or other property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.



Findings of Fact: A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

The Board of Zoning Appeals shall approve, approve with conditions, or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance.

Recommendation

If the Board of Zoning Appeals is inclined to approve the Variance of Standard, then the Department recommends approval of the findings set forth below, with the following condition:

Recommended Condition for Approval:

1. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.

Recommended Findings for Approval:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the GB-PD District permits the proposed use and the resulting building will otherwise comply with or exceed the applicable standards of the GB-PD District and the applicable building codes.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the resulting development will otherwise comply with or exceed the applicable standards of the SB-PD District; (ii) the proposed building is compatible and



consistent with the quality and character of the existing improvements on the property; and (iii) the building is sufficiently screened from perimeter streets and residential districts.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to construct the building, as proposed. The use is permitted by the zoning ordinance and the use and building would otherwise be permitted and comply with the zoning ordinance if not for the façade's orientation toward a perimeter street.

If the Board of Zoning Appeals is inclined to deny the Variance of Standard, then the Department recommends approval of the following findings:

Recommended Findings for Approval:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the GB-PD District permits the proposed use and the resulting building will otherwise comply with or exceed the applicable standards of the GB-PD District and the applicable building codes.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is likely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance would negatively impact surrounding properties because: (i) the resulting building is incompatible with the quality and character of the existing improvements on the property and those on surrounding properties; (ii) the building facade is insufficiently screened from the contextually sensitive corridor of US Highway 31; and (iii) the building façade does not comply with the intent set forth by the required development standard and negatively impacts the existing and planned investment of surrounding properties.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: The use is permitted by the zoning ordinance and the use and building would otherwise be permitted and comply with the zoning ordinance if not for the façade's orientation toward a perimeter street. Thus the strict adherence to the zoning ordinance would not result in a practical difficulty as alternative site and building design options are available.